

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SARAH PATTON, ERICA KITTS, and)	
MARILEE HARRISON, individually and)	
on behalf of all similarly-situated persons,)	Civil No.: 3:15-cv-01013
)	
Plaintiffs,)	
)	MAGISTRATE JUDGE FRENSLEY
v.)	
)	CLASS AND COLLECTIVE
SERVICESTOURCE DELAWARE, INC.)	ACTION COMPLAINT
d/b/a SERVICESTOURCE)	
INTERNATIONAL, INC.)	JURY TRIAL DEMANDED
)	
Defendant.)	

**PLAINTIFFS' MOTION FOR FINAL SETTLEMENT APPROVAL OF RULE 23 CLASS
ACTION CLAIMS AND CLASS COUNSEL'S APPLICATION FOR AN AWARD OF
ATTORNEY'S FEES AND EXPENSES**

Plaintiffs, individually, and on behalf of all similarly-situated persons with Rule 23 Class Claims, file this motion requesting 1) final approval of the parties' Settlement Agreement (the "Settlement") filed with the Court on January 24, 2019 (Doc. No. 124-1), which resolves the Tennessee state law breach of contract claims of members of the Rule 23 Settlement Class who did not timely opt out of the Settlement (the "Rule 23 Settlement Class Members") against Defendant for failing to pay them for all hours worked (the "Rule 23 Class Claims"),¹ 2) approve

¹ On May 1, 2019, the Court conducted a telephone conference (Doc. No. 129), whereby the parties advised the Court that they learned that 1) fifty-seven (57) individuals in the Rule 23 Settlement Class had additional weeks of employment which were not previously identified; and 2) one hundred and forty-seven (147) individuals received no notice of either their option to join as FLSA Class Members or file a claim as Rule 23 Settlement Class Members in the Rule 23 Settlement that was reached. To resolve this issue, the parties agreed to a supplemental settlement ("Supplemental Settlement Agreement") which is the basis of Plaintiffs' Motion for Preliminary Settlement Approval of Supplemental Rule 23 Class Action Claims and for Preliminary Approval of Supplemental FLSA §216(b) Collective Action Claims ("Motion for Supplemental Settlement Approval") which is currently pending before this Court. (Doc. No. 130.) Counsel for the parties agree that the pending Motion for Supplemental Settlement Approval should not impact the Court approving Plaintiffs' instant Motion.

the service awards to Named Plaintiffs and select opt-in Plaintiffs as set forth in the Settlement and 3) approve Class Counsel's attorney's fees and expenses.

The Court preliminarily approved the Settlement on February 1, 2019. (Doc. No. 126.) Plaintiffs now move the Court to enter a Final Order: 1) approving the proposed Settlement including terms of payment and distribution to Class Representatives and Rule 23 Class Members; 2) approving the service awards to Named Plaintiffs and select opt-in Plaintiffs as set forth in the Settlement and 3) approving Class Counsel's request for attorney's fees and costs.

Defendant consents to this Motion, which is scheduled to be heard by the Court on June 5, 2019 at 9:00 a.m. No objections to the Settlement have been filed.

This motion is supported by the following pleadings previously filed or filed contemporaneously herewith:

1. Plaintiffs' Memorandum of Law, filed contemporaneously herewith;
2. Settlement Agreement, with attached exhibits (Doc. No. 124-1);
3. Declaration of Attorney Martin D. Holmes (Doc. No. 124-2);
4. Declaration of Mediator Michael L. Russell (Doc. No. 124-3);
5. Declaration of Settlement Administrator Melissa E. Baldwin, attached as Exhibit 1;
6. Supplemental Declaration of Attorney Martin D. Holmes, attached as Exhibit 2;
7. Declaration of Attorney W. Michael Hamilton, attached as Exhibit 3; and,
8. Proposed Final Approval Order, attached as Exhibit 4.

WHEREFORE, Plaintiffs respectfully request that the Court enter the parties' proposed Final Approval Order, thereby approving the parties' Settlement Agreement resolving the Tennessee state law breach of contract claims of the Rule 23 Settlement Class Members, approving

the service awards to Named Plaintiffs and select opt-in Plaintiffs as set forth in the Settlement, and approving Class Counsel's attorney's fees and expenses.

Respectfully submitted,

DICKINSON WRIGHT PLLC

/s/ Martin D. Holmes

Martin D. Holmes, #12122

Joshua L. Burgener, #29077

424 Church Street, Suite 800

Nashville, TN 37219

(615) 244-6538

mdholes@dickinsonwright.com

jburgener@dickinsonwright.com

*Attorneys for Plaintiffs and Putative Opt-in
Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2019, a true and exact copy of the foregoing has been filed and served on the following via the Court's ECF filing system:

Craig A. Cowart
Jackson Lewis P.C.
999 Shady Grove Road, Suite 110
Memphis, TN 38120
Telephone: (901) 462-2600
Facsimile: (901) 462-2626
craig.cowart@jacksonlewis.com

/s/ Martin D. Holmes

Martin D. Holmes

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